

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
TAMARA JORDAN,	:	
	:	
Plaintiff,	:	23cv4962 (DLC)
	:	
-v-	:	<u>ORDER</u>
	:	
CITY OF NEW YORK, et al.,	:	
Defendants.	:	
	:	
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DENISE COTE, District Judge:

On June 12, 2023, Tamara Jordan initiated this action against the City of New York, the Office of Administrative Trials and Hearings (OATH), and Asim Rehman in his official capacity as Commissioner and Chief Administrative Law Judge for OATH ("Defendants"). On August 24, Defendants moved to dismiss the complaint. Jordan filed the first amended complaint ("FAC") on September 15.

An initial pretrial conference was held on November 30. For the reasons stated on the record at that conference, the Court granted in part the Defendants' motion to dismiss the FAC. Specifically, the Court dismissed Jordan's claims except for that alleging that Defendants retaliated against her for requesting accommodations in March 2020.

The Court referred the case to mediation and issued a pretrial scheduling order on December 1. In relevant part, all

discovery was to be completed by June 28, 2024. The December 1 scheduling order additionally required that any motion for summary judgment be served by July 19. In the event no summary judgment order was filed, a joint pretrial order was to be submitted by July 19.

On July 9, after the time for discovery had elapsed, Jordan requested an extension of time to complete discovery until August 30. The Court noted, however, that there would be no further extension and that a pretrial order or summary judgment motion was due September 23.

On September 10, Defendants moved with Jordan's consent to extend the deadline to submit any motion for summary judgment from September 23 to November 22. Defendants represented that while a June 24 mediation had been unsuccessful, the parties were continuing to engage in settlement discussions. Also on September 10, the Court denied the extension request. The parties were again ordered to submit the pretrial order by September 23. The case was placed on the October trial ready calendar.

No summary judgment motion or joint pretrial order was submitted by September 23. Accordingly, on September 24, Jordan was ordered to show cause by September 27 at 12:00 p.m. noon why this case should not be dismissed for failure to prosecute. See

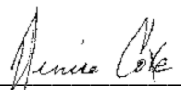
Fed. R. Civ. P. 41(b). Jordan did not respond or request an extension of time to respond.

On October 1, Tamara Jordan's complaint was dismissed with prejudice for failure to prosecute. On October 7, Jordan's counsel submitted a letter apologizing for failure to comply with the Court's deadlines and seeking reconsideration. On October 8, the October 1 Order was vacated and the case was returned to the Court's active docket. The Court also set a schedule to govern the further conduct of pretrial proceedings in this case, including a trial date of December 2.

On October 21, Defendants moved for a four-month extension of the pretrial deadlines and the December 2 trial date. Defendants' counsel cited her pregnancy and the workload of the two other attorneys on the Corporation Counsel of the City of New York's trial team. It is this Court's expectation that the Corporation Counsel will properly staff this case to protect the health of its employees. Accordingly, it is hereby

ORDERED that Defendants' October 21 motion for an extension of the pretrial deadlines and the December 2 trial date is denied.

Dated: New York, New York
October 22, 2024



DENISE COTE
United States District Judge